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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yasuhiro Ogata

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SNELL & WILMER L.L.P. (Main)
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/892,926	Applicant(s) OGATA ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 09/03/2008, have been entered and made of record. Claims 1-15 are pending.

Response to Arguments

2. Applicant's arguments filed 09/03/2008 have been fully considered but they are not persuasive. See below.

Applicant states both Hayana and Tajima failed to disclose the limitation of the cited claim.

In response the Examiner respectfully disagrees. The claims are amended to recite 'there is no volume coming from the first audio signal after the first audio signal switched until the first audio signal is outputted.' Applicant's 'until when' is Hanaya's SP114 where the mute sound is relieve. The first audio signal is muted from SP111-SP113 (referring to no volume after switched) and the first audio signal is outputted at step 114 (or there is no volume outputted from the first audio signal (between step 111 to step 113) ***until when*** (step 114) the first audio signal is outputted). ***Therefore there is no volume coming out from the first audio signal after switched and until the first audio signal is outputted.*** The amended claims read on only Hanaya as presented, since the first audio signal is relieved, and therefore a new ground of rejection is made. See the rejection sets forth below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2621

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanaya (US Pat. No. 5,754,258).

Regarding claim 1, Hanaya discloses an audio and video recording and reproduction apparatus, comprising:

an audio signal switch section for outputting one of a first audio signal having a first volume level and a second audio signal having a second volume level by a switching operation (see col. 6 lines 18-26, col. 7 line 41-44 and also see figure 4); and

a mute section for automatically muting the first audio signal which is output from the audio signal switch section (see step 111 in figure 25), wherein there is no volume coming from the first audio signal after the audio signal output from the audio signal switch section is switched by the audio signal switch section from the second audio signal to the first audio signal until when the audio signal switch section outputs the first audio signal (see figure 25, abstract, and col. 21 line 1-col. 22 line 15. See also the response above. Muting process is executed and relieved on step 114).

Regarding claim 2, Hanaya discloses the mute section mutes the second audio signal which is output from the audio signal switch section when the audio signal switch section switches the first audio signal to the second audio signal (see col. 21 line 1-col. 22 line 15 and figure 15).

Regarding claim 3, Hanaya discloses the first audio signal includes an external audio signal (see col. 2 lines 22-28).

Regarding claim 4, Hanaya discloses the first audio signal includes an audio signal reproduced from an audio and video recording and reproduction medium (see figure 1 and col. 4 line 62-col. 5 line 3 and lines 60-67, and col. 9 lines 54-65).

Regarding claim 5, Hanaya discloses the second audio signal includes an audio signal reproduced from an audio and video reproduction-only medium (see figure 4).

Regarding claim 6, Hanaya discloses the second audio signal includes an audio signal reproduced from an audio reproduction-only medium (see figure 4 and col. 2 lines 22-28).

Regarding claim 7, Hanaya discloses the first audio signal includes an external audio signal (see col. 2 lines 22-28 or claim rejection 3 above),

the second audio signal is reproduced from a reproduction-only medium (see figure 4) ,

the first volume level of the first audio signal and the second volume level of the second audio signal are different from each other (See col. 6 lines 18-26, col. 7 line 41-44, col. 10 line 66-col. 11 line 12, and also see figure 4. The volume level can be up or down. Further each channels have different data IDs, and also the audio signals are output in different amplifiers.),

the audio and video recording and reproduction apparatus has a reproduction mode for reproducing the second audio signal from the reproduction-only medium and a stop mode for stopping the reproduction of the second audio signal from the reproduction-only medium (see figure 4, figure 25 and rejection of claim 1 above) and

the audio signal switch section switches the second audio signal to the first audio signal when the reproduction mode is switched to the stop mode (see rejection of claim 1).

Regarding claim 8, Hanaya discloses a video switch section for outputting a first video signal corresponding to the first audio signal or a second video signal corresponding to the second audio signal by a switching operation (see figure 25 and col. 4 lines 45-51 and line 62-66, col. 5 lines 4-10).

Regarding claim 9, Hanaya discloses the first video signal includes an external video signal (see col. 7 lines 58-67)

Regarding claim 10, Hanaya discloses the first video signal includes a video signal reproduced from an audio and video recording and reproduction medium (see figure 4, col. 6 lines 1-10, 55-66, and col. 7 lines 58-67).

Regarding claim 11, Hanaya discloses the second video signal includes a video signal reproduced from an audio and video reproduction-only medium (see figure 4).

Regarding claim 12, Hanaya discloses the second video signal includes a still picture signal reproduced from a still picture signal medium (see abstract, col. 17 lines 14-23, col. 20 lines 30-38, and col. 21 lines 1-10).

Regarding claim 14, Hanaya discloses the second video signal includes a still picture signal reproduced from a still picture medium (see col. 20 lines 4-43 and col. 21 line 57-col. 22 line 15), and the video switch section outputs the still picture signal when the mute section mutes the first audio signal (see col. 17 lines 14-23, col. 20 lines 30-38, and col. 21 lines 1-10).

Regarding claim 15, Hanaya discloses the mute section only mutes the first audio signal which is output from the audio signal switch section when the audio signal switch section switches the second audio signal to the first audio signal (see figure 25, and abstract, and col. 21 line 1-col. 22 line 15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya in view of Official Notice.

Regarding claim 13, although Hanaya does not specifically teach audio and video recording and reproduction apparatus has a reproduction mode for reproducing the third video signal from the audio and video reproduction-only medium and a stop mode for stopping the reproduction of the third video signal from the audio and video reproduction-only medium, Hanaya does teach the second video signal includes a third video signal reproduced from the audio and video reproduction-only medium (see figure 4) and a still picture signal reproduced from a still picture signal medium (see rejection of claim 14 above). Hanaya further teaches the video signal switch section switches the third video signal to the still picture signal when the reproduction mode is switched to the stop mode (see rejection of claims 13 and a4 above). Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time the invention was made to reproduce a sub clip from a clip in editing system in order to use it as many times as the user wants.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
November 17, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621